### SHAPING INSURANCE REPORT.

DIFFERING OPINIONS EXPECTED TO BE RECONCILED.

Armstrong Committee to Get to Work To-morrow on the Final Revision to Be Presented to the Legislature Feb. 12-There'll Be 75,000 Words of It.

If nothing interferes with the plans of the Armstrong investigating committee its report will be presented to the Legislature on Monday, February 12. The report will consist of 75,000 words. The committeemen, when the public inquiry ended on December 30, had the reforms which they desired to make pretty well in mind, and the work of drafting the report was left chiefly to Charles E. Hughes, the committee's leading counsel, and Senator W.

W. Armstrong, the chairman. The tentative draft of the report is about ready now. It will be brought before the entire committee to-morrow. Each recommendation in the report will be taken up separately and discussed. Although the committee is said to be a unit on the general reforms that ought to be instituted, several of the members, it is said, have decided opinions of their own as to the remedies that ought to be applied. Some of these opinions differ, and it is expected that a good many suggestions and revisions of the original text will be made before the report assumes its final form.

There were reports last night to the effect that the Democratic members of the committee, Senator Riordan and ex-Assemblyman McKeown, might bring in a minority report. Mr. McKeown, however, denied this. He said that he had talked with nobody about such a matter and the thought hadn't entered his head. He believed that the committee was pretty thoroughly in accord on the recommendations that ought to be made, that the report would be drastic and that it would bear the signatures of all

Of course, if things were omitted from the report which he believed ought to be incorporated in it, he would not hesitate to express his opinion formally. Beginning with the meeting of the committee to-morrow, the investigators will continue to hold sessions every day in this city until the document is ready to be sent to Albany.

Every possible precaution has been taken by the committee to prevent a leak, and extraordinary plans have been made for the next two weeks. The report won't be sent to the State Printer like the ordinary reports of Legislature committees. The committee won't even have it printed until after it has been made public

Only five typewritten copies of the report will be made. One will be sent to the Assembly, one to the Senate, and the remaining three will be turned over to the press associations. One of the committeemen said vesterday that the report would include not less than twelve fundamental recommendations, each of which would be embodied in a bill to be introduced in the Legislature.

Senator Armstrong will leave town to-day for Albany, where he will try to push along the bill that has been introduced in both houses relative to the printing of the testimony taken before the committee. The bill has been advanced to a third reading. It authorizes the Armstrong committee to procure printed volumes of the testimony

The State Printer, against whom the bill is directed, has promised to be good and turn over the printed testimony as fast as possible, regardless of his own personal plans to sell it at \$15 a volume, but the investigators don't intend to take any

The State Insurance Commissioners and others who have arranged for the hig life insurance conference in Chicago on February 1 are excited over the circumstance the Armstrong committee recommendations will not be made public in time for the conference. The intention of the commissioners was to make the repor the New York State investigators the basis of action by the conference.

Elaborate plans have been made for the meeting, which in many respects will be the most notable insurance gathering of its kind ever held. Besides the commissioner from each State in the Union the Governor and the Attorney-General also have been invited. Attorney-General Mayer has announced that he will make public at the conference his plans for bringing suits against the New York Life and Mutual trustees to compel an accounting and restitution. Senator Armstrong has notified the persons in charge of the conerence that it will be impossible for the committee to make the report public and has suggested that the meeting be adourned until after the report is in.

One member of the investigating comsittee said yesterday that a bill would robably have to be introduced in the egislature calling for a further approriation for the committee. The State's riginal appropriation was \$50,000, and lmost that amount, it was said, had been xpended in counsel fees and payments stenographers. This member thought that it might require as much again to clear up the committee's expenses.

#### POLICY HOLDER'S RIGHT TO SUE. lecision in Young Case Far Reaching -May Influence Mutual Suits.

The text of Justice Kellogg's decision n the Supreme Court overruling James dazen Hyde's demurrer to the suit brought y Mary S. Young against him and the ther old Equitable directors to compel n accounting and restitution reached his city yesterday. The decision was handed own in Saratoga county a few days ago. The decision embraces an important uling affecting section 56 of the insurance aw. This is the much talked of section

which provides that no order, judgment or decree providing for an accounting or the restraining of a domestic insurance ompany's business or the appointing of a eceiver shall be granted except with the pproval of the Attorney-General. An ction by a judgment creditor is made an

xception. Section 56 has been regarded as virtually mferring upon the Attorney-General the power of saying whether or not a suit shall be brought by a policyholder against an inmirance company. One of the points raised by James H. Hyde's counsel in the demurrer was that Mary S. Young, the plaintiff, had no legal capacity to maintain her suit. That is, Section 56 was construed as applying also to an action brought by a policyholder against the directors and officers of a life company. Justice Kellogg's decision is to the effect that the law does not shield the life insurance trustees and directors from action direct by a policy-

holder. He savs: To my way of thinking the statute in ones tion in no wise prohibits the bringing of this action and this complaint is not demur-

The nature of a policyholder's interest in a mutual company is very similar to that of directors of the corporation; he names the persons who shall manage the corporate property: upon the proper management thereof depends his ultimate profit. Since names the managers he surely has an \$10,000 a year.

interest in the corporate funds and a right to compel proper management and the collection of assets diverted precisely as an ordinary stockholder has that right.

Here is only a legal question. The plain-tiff's corporation has a cause of action which it does not enforce. The plaintiff is a share holder. As such she had a right to compel its enforcement. The fact that the corporation's business is insurance, not manufac-turing, is no valid distinction differentiating the plaintiff's case from that of an ordinary

The decision of Justice Kellogg will be of special interest to the trustees of the Mutual Life. They will hold a meeting to-morrow, when the recommendations of the Truesdale investigating committee will be considered. These recommendations are that the company itself should bring suits against certain of the individual directors to recover moneys which were paid out without legai warrant.

It has been said that an opinion of Joseph H. Choate, concurred in by the Mutual's lawyers, will be presented, to the effect that ome of the recommendations of the Truesdale committee cannot be carried out because the payments have been approved by the board of trustees. The increase in Richard A. McCurdy's salary from \$100,000 to \$150,000 is one instance. Mr. Choate and other lawyers, it is said, hold that although the increase was not authorized in law the act of the board of trustees in cutting it shortly before Mr. McCurdy retired from \$150,000 to \$75,000 in itself constituted a ratification of the increase.

A letter written by Susan Corey of Plainfield, N. J., to Representative Landis of Indiana, relative to insurance matters, was made public yesterday. The writer includes in the letter a communication which she sent to Senator Armstrong, chairman of the New York State investigating committee. She believes that the foreign business done by the big insurance companies is a great source of evil. She declares that the Mutual Life trustees reported in 1883 that foreign expansion was wrong in principle and opposed in every way to the interests of American policyholders. The Plainfield writer accuses the Mutual trustees of not having lived up to their original report although the reasons why they should are, she declares, just as strong now as they

The Plainfield policyholder says that the foreign business of the American companies is more or less of a sham; that there is juggling of the books and accounts; that the companies have been obliged to account for their actions many times in foreign courts of justice; that the Procureur-General of the Paris court accused the Mutual Life of publishing "false allegations, falsifying figures, making whimsical calculations, and playing with the facts shown by the balance sheets.

She wants laws passed to limit or prevent foreign business

#### PERMANENT HAGUE TRIBUNAL. House Adopts Resolution of Instruction to Our Delegates.

WASHINGTON, Jan. 29 .- Mr. Bartholdt (Rep., Mo.), president of the International Parliamentary Union, organized to promote the advance of arbitration as a means of settling disputes between nations, today introduced a joint resolution into the House of Representatives directing the President to instruct the delegates of the United States to the second Hague conference to favor the objects commended by the resolutions adopted at the meeting of the parliamentary union at St. Louis in connection with the Louisiana Purchase Exposition. These objects are:
First—The negotiation of arbitration treaties between the nations represented at the conference to be convened. Second-The advisability of establish

ing an international congress to convene periodically for the discussion of international questions.
The joint resolution advocates the adoption of these purposes "to the end that ar-bitration treaties conferring jurisdiction on the high court at The Hague in all controversies specified in such treaties may be concluded between all the nations represented at said conference and that the second Hague conference may be organized as a permanent body to meet automaticodifying international law and bringing it up to date and for the discussion of questions which may be of common concern to all said nations."

#### DISCRIMINATION CHARGED. Memorial Presented to the Senate Against the Baltimore and Ohlo Rallroad.

WASHINGTON, Jan. 29.-Senator Tillman of South Carolina presented a memorial in the Senate to-day addressed to him y Logan H. Bullitt, president of the Red Rock Fuel Company of Philadelphia, protesting to Congress against alleged discrimination by the Baltimore and Ohio and Pennsylvania railroads.

The memorial recites that the Red Rock Fuel Company owns 4,000 acres of coal lands in West Virginia, near the line of the Baltimore and Ohio Railroad and that the Baltimore and Ohio had refused to grant the company the necessary transportation facilities, that notwithstanding the order from the Interstate Commerce Commission on November 25, ordering the railroad to desist, the discrimination still continues. It is asserted in the memorial that the Pennsylvania Railroad owns a majority of the stock of the Baltimore and Ohio and is in sympathy with the latter's policy. An investigation by Congress was urged. Senator Scott (Rep., W. Va.) objects strongly at first to the reading of the m but afterward permitted it to be Mr. Tillman submitted the memorial, suggestion that an investigation

### by Congress was in order

Movements of Naval Vessels. WASHINGTON, Jan. 29 .- The training ship Severn, the tugs Rocket and Mohawk, the gunboat Don Juan de Austria and the torpedo boat Manly have arrived at Norfolk; the cruiser Cleveland at Hampton Roads, the battleship Kentucky and cruiser Mary-land and the destroyers Hopkins, Worden, Truxtun, Macdonough and Stewart at ulebra, and the collier Saturn at San

The cruisers Brooklyn, Chattanooga, Tacoma and Galveston have sailed from Algiers for Villefranche; the tug Uncas rom Key West for Pensacola, the gunboat icorpion from Monte Cristi for Santo corpion from Monte Cristi for Santo comingo City, the gunboat Newport from San Juan for Macoris, the gunboat Callao from Canton for Macao, the transport Lawton from Cavite for Guam and the de-Lawrence from Norfolk for San

### Street Named in Honor of Gen. Wheeler.

WASHINGTON, Jan. 29.—The House of Representatives to-day passed several measures relating to affairs of the District of Columbia. Among them was a bill making the name of a street five blocks long and now bearing five separate names wheeler street, in honor of the late Gen. Joseph Wheeler. The committee had recommended the name of Sampson street, for Prof. Sampson, for many years president of Columbian, now George Washington, dent of Columbian, now George Washington, University, but on motion by Mr. Sherman (Rep., N. Y.), who paid an eloquent tribute to the memory of Gen. Wheeler, for more than a decade a member of the House,

#### he change was made. To Fix Salaries of Federal Judges.

WASHINGTON, Jan. 29.-Representative Olcott of New York to-day introduced a bill to fix the salaries of the Circuit and District Court Judges of the United States at the same compensation as the highest Appellate Court of the State in which they serve. This measure would make the salaries of the Federal Judges in New York

## GENERAL WHEELER'S FUNERAL

PRESIDENT AND MRS. ROOSEVELT AMONG THE MOURNERS.

All the Honors Due to a Major-General Paid the Dead Soldier-Veterans of the Union and Confederate Armies Conspicuous at the Church Services.

WASHINGTON, Jan. 29.—Major-Gen. Joseph Wheeler, U. S. A., retired, was buried here to-day. The attending ceremonies were most impressive, both at St. John's Episcopal Church, where there were brief services, attended by the President and Mrs. Roosevelt, who sat in a front pew of the church throughout the services, and at Arlington, where the burial took place. Mrs. Roosevelt was dressed in deep black, with a heavy veil of black falling from her hat and obscuring her face. The President wore a black frock suit, his tie was black and his hands were covered by black gloves.

The funeral was distinctly military and with all the honors due a Major-General. Not only were there present hundreds of soldiers in active service but hundreds of veterans as well. The blue and the gray were mingled together. On the right of the church there were many gray uniforms, and from the centre of this little gethering rose the Confederate flag draped with black. In the centre of the church, on the first floor, filling every seat, were old soldiers, some who were warriors of the '60s and others who had participated in the and others who had participated in the Spanish war. Toward the front there were a number of Regular army officers, including Major-Gen. Bates, Chief of Staff, and Lieut.-Gen. Adna R. Chaffee, who is to retire on February 1. Gen. Chaffee was accompanied by Mrs. Chaffee. He was not in uniform, as were many of the other officers. There were half a dozen Major-Generals, active and retired, there, and many more Brigadiers. Two or three members of the Cabinet attended the funeral, and a number of Senators and Representatives paid of Senators and Representatives paid homage to the memory of the hero of two

wars.
Gray hairs predominated throughout the assembled congregation. Here and there were women, members of the Daughters of the Confederacy and other similar organizations. There were but few young people, and for the most part those present were soldiers who had served with Gen. Wheeler or who had known him during his lifetime. Camp A, Wheeler's Confederate Cavalry of Atlanta, Ga., was represented by a score and a half of veterans. Many of them were in uniform, with the sabres and accountrements worn during the days when they followed "Joe" through the War of the Rebellion. They sat together on one side of the church. One or two carried tiny Confederate flags.

of the Rebellion. They sat together on one side of the church. One or two carried tiny Confederate flags.

The chancel of the church was profusely decorated with flowers. The casket, which during the day had been passed by hundreds, who took their last opportunity to pay tribute to Gen. Wheeler, was draped with the stars and bars of the lost cause and with the stars and stripes of the victorious. On top of the flags were many flowers. A large wreath of immortelles and pink roses from the White House had its place on the casket. Shortly before 2 o'clock the casket was closed and Gen. Wheeler's campaign hat and his sabre were laid among the flowers.

The doors of the church were opened to the public shortly after 10 o'clock this morning. The casket had been guarded by a detail of Spanish War Veterans since its arrival last night from New York. At that hour the guard which had kept vigil during the night was relieved by men from the engineers of the Regular army, the latter remaining during the rest of the day. Throughout the day a corporal of the casket,

day. Throughout the day a corporal of engineers stood at either end of the casket, notionless, with carbine grounded.

From 10 o'clock on crowds gathered around St. John's Church. Passing in one

door and out another there was a continuous line of mourners. Their number must have gone into the thousands. Just before the services began the door was closed to the public and the crowd was cleared away. The demand for admittance to the services was so great that every restriction had to be placed by those in charge.

A few moments before 2 o'clock Presi-dent Roosevelt and Mrs. Roosevelt ar-

rived. The only indication those within had of the arrival of the President was the sharp command from the officers out in the street, where a battalion of engineers were drawn into officers out in the street, where a bat-talion of engineers were drawn into company formation to "present arms," which came floating in through the par-tially opened windows. The President and Mrs. Roosevelt came through the side door, preceded by two of his military aids. They were shown directly to their seats, only a step or two away and within a few feet of the casket. The church thence-forth was absolutely silent, for a few moments later the family of the departed soldier entered from the left and took the seats assigned to them. Four or five of the family were seated in the pew adjoining that of the President and Mrs. Roosevelt and the others were immediately behind

The family had just taken their seats when the big organ burst forth and the brief services began. They were con-ducted by the Rev. Dr. Steirs of St. Thomas's Church in New York, who accompanied the funeral party to Washington, and the Rev. Roland C. Smith, rector of St. John's. There were short prayers and simple hymns, followed by the recessional, and then the ministers passed out of the side door to the waiting caisson, followed by the honorary pallbearers. Ten cavalry sergeants stepped forth from the side of the church and bore the casket out of the door, down the steps and to the draped caisson. The battalion of engineers stationed across the street presented arms and there was a bugle call. The President and Mrs. Roosevelt remained behind until nearly the en-tire funeral party had gone. They then returned to the White House

returned to the White House

There was some delay in getting started for Arlington. The engineers and band led the way, followed by a squadron of cavalry from Fort Myer with a band. Then came the battery of field artillery. The caisson bearing the casket had drawn forward on one side of the street. As the last gun of the battery had rolled around the corner of Lafavette Square toward. the corner of Lafayette Square toward Pennsylvania avenue the caisson dropped into line. Following came the carriages of the family, relatives and friends. Veteran organizations. Confederate and Union, followed, and, most interesting and mournful of all, the remnant of Wheeler's Confederate cavalry, thirty strong, mounted on horses from Fort Myer. The caisson was flanked by a dozen cavalry sergeants. One of these led a riderless horse, covered to the eyes with a huge black pall and bear-ing a heavy yellow cavalry saddle, Gen. Vheeler's own, worn with age and plainly

giving evidence of much service.

The procession took the usual course to the cemetery. Along the line of march there were thousands of silent spectators. Through Georgetown and across the cotomac into Virginia and thence to Arington-the procession wended its way Arlington there were brief committa-vices at the grave. A firing party fired a last salute and the mournful bugle sounded

### Green and Doremus Must Stand Trial for

Conspiracy. WASHINGTON, Jan. 2.-Justice Gould of the Supreme Court of the District of Columbia to-day overruled the demurrers and pleas in abatement filed by former State Senator George E. Green of Binghamton, N. Y., and Willard E. Doremus of this city to the indictments charging them with conspiracy to defraud the Government in the purchase of postal supplies. The trial of Green and Doremus will begin either on Wednesday or early next, week. either on Wednesday or early next week

The Statehood Bill Reported in the Senate. WASHINGTON, Jan. 29.-In the Senate today Senator Beveridge, chairman of the Committee on Territories, reported the Statehood bill passed by the House last week. A few amendments of minor im-

on Territories against the Statehood bill.

"MEN, NOT TREES, MAKE STATES." TO CREATE AN ARMY RESERVE Senator Heyburn Attacks the President's

Polley of Forest Reservation Washington, Jan. 29 .- Senator Heyburn of Idaho made a speech in the Senate this afternoon attacking the President's policy of forest reservation. He showed by maps and figures that 15,343,880 acres of land had been withdrawn in the State of Idaho by presidential proclamation for forestry purposes, a greater area than Scotland and representing 28.4 per cent. of the entire area of the State.

"It is men who make States, not trees, xclaimed the Idaho Senator. Mr. Heyburn said that Idaho came into the Union under circumstances different from other States. Idaho did not come into the Union under an enabling act. Her grant of land took effect at once. It was not an inchoate title. Therefore the President had exceeded his authority in rresident had exceeded its authority in taking lands which under a misinterpretation of law he thought belonged to the public lands, but which really belonged to the State of Idaho, the title having passed at the time Idaho was admitted into the

Union.

Mr. Heyburn held the floor for nearly three hours, in which he criticised the work of Gifford Pinchot, Chief Forester, and advocated the passage of a resolution by Congress forbidding the opening or extension of any more forest reserves without the approval of Congress.

In the course of his speech the Idaho. In the course of his speech the Idaho Senator attacked the forestry bureau for maintaining a publicity bureau, which brought Mr. Tillman of South Carolina to his feet. Sniffing the air, he inquired:
"Did I understand the Senator to say that this forestry bureau has a press agent." that this forestry bureau has a press agent

Mr. Heyburn said that there was a press poartment in connection with Gifford department in connection with Gifford Pinchot's forest bureau and that it had been Pinchot's forest bureau and that it had been employed to pursue him (Heyburn) and discredit him because he opposed the extension of the forest reserves.

Mr. Bailey (Dem., Tex.) inquired whether the President knew of this fact.

"He does, for I myself told him about it," replied Mr. Herburg.

"He does, for I myself told him about t," replied Mr. Heyburn.
"Have the offending clerks been dis-nissed?" inquired Mr. Bailey.
Mr. Heyburn replied that he had not concerned himself about it after calling the President's attention to it. He knew the President's attention to it. He knew the President was much displeased, and had reason to believe the offending press bureau had been disciplined, Mr. Hey-burn exhibited a Government document issued as a bulletin of the forestry bureau, which he said might more properly be called: "Brief in the case against Hey-burn," because of its personal criticisms upon himself. upon himself.

upon himself.

Continuing, Mr. Heyburn said that forest reserves had been created in the State of Idaho on which there was not a "stick of timber growing." but which were made up of grazing lands, and the reserves were created on the petition of persons interested in equiving the grazing privileges.

ested in securing the grazing privileges.

Mr. Beveridge (Rep., Ind.), who is known to be a close friend of Chief of Forestry Pinchot, challenged the statement, and Senator Heyburn reiterated it in stronger language and read newspapers reports of meetings held by grazing interests to take action looking to extension of forest or meetings need by grazing interests to take action looking to extension of forest reserves to protect grazing interests.

Mr. Dubois (Dem., Idaho) replied to Mr. Heyburn, indorsing the work of the bureau.

Mr. Gallinger (Rep., N. H.) gave notice that he would insist upon consideration tomorrow of the shipping bill, which is the unfaished business. After a brief executive session the Senate

#### SENATE WON'T BE STAMPEDED. The Hepburn Rate Bill as It Stands Hasn't the Slightest Chance in That Body.

WASHINGTON, Jan. 29 .- An exciting exchange of opinion that has been taking place between Republican Senators seems to show conclusively that the Hepburn Railway Rate bill, which has been reported to the House with the approval of every member of the Committee on Interstate and Foreign Commerce, has not the slightest chance of passing in its present shape. If the idea of the House organization in making concessions that secured general Democratic support of the measure was to stampede the Senate into swallowing the whole thing that plan will go by the board, for the Senate, it is apparent, does not intend

to be stampeded. Nearly every Republican Senator's views have been ascertained, and only two or thre have indicated that they were in favor of the bill as it now stands reported to the House and as it will probably pass that body. What the Senate objects to mainly is the failure of the Hepburn measure to provide adequate protection for common carriers through the medium of the courts. The Senate will insist also that any rate fixed from which the carrier, affected desires to appeal to the courts shall not go into effect until the proper court has rendered its decision. There is no objection whatever to a provision that a railroad which appeals from a rate fixing rule of the Interstate Commerce Commission shall be required to give bond to indemnify shippers for the amounts paid by them over the ounts paid by them over rate fixed by the commission pending final

adjudication.

Naturally the Senate resents the apparent intention of the House to stampede it into passing the Hepburn bill by putting through that measure with a unanimous or practically unanimous vote behind it and then, if there is any delay on the part of the upper legislative body in acting upon

the measure, pointing to the Senators as a set of obstructionists.

Unless the House is willing to agree to a provision for a review of the Interstate Commerce Commission's rate fixing decisions there is not likely to be any legislation by this Congress relating to an extion by this Congress relating to an exof Federal control over common

### THEIR DISBARMENT STANDS.

Supreme Court Declines to Interfere in the

Case of Lawyers Watt and Dohan. WASHINGTON, Jan. 29.- Permission was to-day denied George W. Watt and James M. Dohan, two Philadelphia attorneys who were recently disbarred from practice before the United States Court of Appeals for the Second Circuit because of attacks upon "the personal character and judicial ntegrity" of Judges Towns, Coxe and Holt, to file with the Supreme Court a petition for a writ of mandamus to compel the lower court to reinstate them as members of its bar.

Watt and Dohan were counsel for John E. Dubois in a suit against the Mayor and Aldermen of the city of New York for infringement of patent for steam fire engines which was before the courts for several years but finally decided in favor of the city. It was first passed upon in the Circuit Court by Judge Lacombe, and Watt and Dohan preferred before the House of Representa-tives charges looking to his impeachment. The House Judiciary Committee, however, fter inquiring into the matter, decided that he charges were groundless and took no further action.

The infringement suit was then taken on appeal to the Court of Appeals, which affirmed the judgment of the Circuit Court in favor of the city, and it was in a brief asking for a rehearing of the case that the Attorneys made the attacks upon the judges, which resulted in their disbarment from practice. The Court to-day, by denying their petition, in effect affirmed the action of the Court in disbarring them.

### Gov. Magoon in Washington.

WASHINGTON, Jan. 29.-Gov. Charles E. Magoon of the Isthmian Canal Zone came to Washington to-day from New York. He will remain here for two weeks, during which time he will attend a full meeting of the Isthmian Canal Commission, which will take final action on the reports of the Board of Consulting Engirs. It is likely that Gov. Magoon will appear before the Senate Committee on Interoceanic Canals. He will see President Roosevelt to-morrow morning.

FORCE NOT TO EXCEED 50,000 MEN IS PROPOSED.

veral Bills Prepared by the General Staff Are Sent to Congress by Secretary Taft-One Provides for the Separation of Coast and Field Artillery.

WASHINGTON, Jan. 29 .- Secretary of War Taft to-day sent to Congress eleven bills prepared by the General Staff of the Army for increasing the efficiency of the army Some of the measures are regarded as highly important. They were prepared after a series of consultations with the heads of the Committee on Military Affairs in both the Senate and the House.

One of the most important of the bills is entitled "A bill to reorganize and increase the efficiency of the artillery of the United States." This measure provides for the separation of the coast and field artillery and for an increase in the coast artillery of 181 officers and 4,923 enlisted men over the present authorized strength The bill provides also for the organization of the field artillery into six regiments of six batteries each, with an increase over the present authorized numbers of

Perhaps the most important measure is one which authorizes the organization of a force not to exceed 50,000 men who have served not less than one complete enlistment in the regular army. They must be citizens of the United States and under The bill provides for their enlistforty. ment for a period of five years, to be paid according to former service as non-commissioned officers or qualification in marksmanship. The highest pay is to be \$32 per annum, the next \$28 per annum and the next \$24 per annum.

These men would be enlisted and carried on the rolls of the military secretary's office, to be allowed to live where they pleased in the United States and to be subject to the call of the President for ten days in one year or fifteen days in two years for purposes of instruction, or in case of war or other national emergency to be mobilized and sent to regular organizations. The object of the measure is to enable the President to mobilize promptly the regular establishment at its maximum strength under the present law, which has been found impracticable to do in a reasonable

time by depending on the enlistment of raw recruits, as would now be the case. Another of the bills provides for an equi-table and regular flow of promotion by the elimination from the field grades in cavalry, artillery and infantry of the least qualified officers, the eliminating to be qualified officers, the eliminating to be done by a board of officers. One of the done by a board of officers. One of the measures provides for the filling of va-cancies caused by the detail of officers of the army below the grade of Brigadier-General to the General Staff, to the Military Academy, to recruiting duty and to the Bureau of Insular Affairs.

"A Bill to Organize a Service Corps in the United States Army" is the title of a measure which provides for an enlisted force to be personnelly attacked.

to be permanently attached to the quarter-master's subsistence department, not ex-ceeding 6,000 for the quartermaster's and 1,000 for the subsistence. The new corps would displace the civilians and the enlisted men of the regular branch of the service heretofore detailed to extra and special duty away from their companies.

Another bill provides for the increase in

the monthly pay of non-commissioned officers as follows: First sergeants, \$1; sergeants, \$2; and corporals, \$18. There are also bills for the increase of the efficiency. of the veterinary service of the army and of army bands. The bill concerning veterinarians provides that they shall pass examinations and that after ten years service they shall have pay and allowances of First Lieutenants. The band bill provides for the increase of the enlisted strength of heatiful from twenty-eight to thirty-six. of bands from twenty-eight to thirty-six.

The House Committee on the Militia to-day agreed to a favorable report on the bill to appropriate \$2,000,000 for the militia of the several States for the ensuing year.

The appropriation last year was \$1,000,000.

### PRESIDENT'S NOMINATIONS.

Judges, Attorneys, Marshals and Postmas-WASHINGTON, Jan. 29.-The President to-day sent to the Senate the following nominations:

To be Third Judge of the Circuit Court, First Circuit, Territory of Hawaii-William J To be United States Attorneys-William II. Atwell, Northern district of Texas; Charles
A. Boynton, Western district of Texas. To be United States Marshals-Eugene Noite, Western district of Texas; William M. Henson, Southern district of Texas; Grosvenor A. Porter, Southern district Indian

To be Registers of Land Offices-Herman Engel, at Duluth, Minn.; Charles D. Ford at Denver, Col. To be Surveyor-General of California-William S. Graham.

To be Collector of Customs for the district of San Diego, Cal.—Frank W. Barnes.
To be Assayer in Charge United States Assay Office, Seattle, Wash .- Calvin E. Vilas To be Consul-Albert R. Morawets of Arizona, at Bahia, Brazil. War-Capt. Charles H. McKinstry to be

Major: First Lieut. Thomas H. Jackson to be Captain; Second Lieut, William D. A. Anderson to be First Lieutenant, all of the Corps of Engineers; Second Lieut, Edward H. Dearmond to be First Lieutenant, Artillery Corps: Brig.-Gen. George B. Davis, Judge Advocate General, to be Judge Advocate General for four years beginning May 23, 1905; Brig.-Gen. William Crozier, Chief of Ordnance, to be Chief of Ordnance with the rank of Brigadier-General for four years beginning November 22, 1905,

Navy-Lieut. Henry H. Hough to be Lieutenant Commander; Surgeon John M. Steel to be Medical Inspector. Citizens to be Assistant Paymasters-Ellsworth H. Van Patten o Virginia, Joseph E. McDonald of New York Richard H. Johnston of New York, Everett G. Morsell of the District of Columbia, Law rence G. Haughey of Indiana, Thomas P. Ballenger of the District of Columbia, Frank

Foxwell of Maryland Postmasters-New York: Frank C. Wilcox at Painted Post : John J. Mahoney, at Williard. New Jersey: John T. Lovett, at Little Silve Roger M. Bridgman, at Ridgewood; Peter ( Broom, at Spring Lake Beach. Pennsyl vania: John M. Carson, at Homer City George Sowack, at Irwin; Clayton O. Slate at Latrobe; Samuel M. Turk, at Parker's Landing. Rhode Island: Almon K. Goodwin, at Pawtucket. Delaware: Thomas L. Mason, at Clayton; J. Frank Reybold Delaware City: Henry C. Conrad, at Wil-

Mr. Conrad's appointment is a notable victory for Senator Allee of Delaware. He is a member of the Union wing of the Reis a member of the Union wing of the Re-publican party in that State and his ap-pointment displaces Postmaster Heald, whom the "regulars" have used every effort to retain in office. Messrs. Reybold at Delaware City and Mason at Clayton were also recommended by Senator Allee.

#### Bill Providing for Completion of the Custom House.

WASHINGTON, Jan. 29.-Representative Olcott of New York to-day reintroduced his bill to provide for the completion of the New York Custom House. The new measure limits the cost of the building to \$5,500,000, instead of \$4,500,000. This action will place the bill before the Committee on Public Buildings and Grounds instead of the Appropriations Committee, and greatly improves the chances of its passage as a part of the Omnibus Public Building bill. The additional \$1,000,000 is to be used for the completion of the interior of the structure.

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and of the continuous active service of Mr. Isaac V. Brokaw, the original and present head of the firm, the store will be closed all day, Thursday, February 1st.

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SUPREME COURT DECISIONS.

Judgments in Park Avenue Damage Cases

Reversed -Treasury Warrants Taxable. WASHINGTON, Jan. 29.-Four decisions of the Supreme Court of New York involving the liability of the New York and Harlem and New York Central Railroads for dam ages done property on Park avenue, New York city, by the elevation of the tracks on that street were reversed by the Supreme Court to-day. They were decided on the authority of the decision in the Muhlker case, involving precisely similar questions handed down last spring by a bench divided five to four, in which the majority held that the act of the New York Legislature, under which the railroads were authorized to elevate the tracks, was unconstitutional because it deprived the owners of houses along the viaduct of light. air and access of property without com-

pensation, these easements being indisputable rights of property.

The decision of the New York Supreme Court in the Muhlker case was also by a divided bench, and it has since decided some 200 similar suits adversely to the property owners on Park avenue. The peculiar situation is thus presented where in the test case the property owners are de-clared entitled to damages, but as the State courts have already passed upon the 200 other cases they cannot be controlled by the Muhlker decision. It will therefore be necessary to bring each of these cases to the Supreme Court of the United States for adjudication unless the railroad com-

panies voluntarily effect compromises with the litigants.

The difference between a United States The difference between a United States Treasury warrant and bonds or other obligations of the Government for purposes of taxation was laid down by the Supreme Court to-day in the case of the Hibernia Savings and Loan Society of San Francisco. That bank held among its assets Treasury warrants aggregating \$121,875, issued in payment of interest on United States bonds, and resisted the payment of taxes thereon on the ground that they were obligations of on the ground that they were obligations o the Government which were by law exempt from State or municipal taxation. Treasury warrants, the court holds, being orders for the immediate payment of money, stood in the place of actual coin, and their taxation therefore did not in any manner affect the credit of the Government. While such checks were obligations of the United States within the letter of section 3701, said Justice

Brown, they were not within its spirit, and were accordingly subjects of taxation. The case of Anna Valentina, who was convicted at Hackensack in 1904 and sentenced to be hanged for murder, was to-day ordered to be advanced on the docket of the Supreme Court for argument on February 19, at the end of the recess which began to-day.

Counsel for James B. Howard, who was convicted and sentenced to life imprisonment for complicity in the murder of Gov. Goebel of Kentucky, to-day obtained from the Supreme Court an order staying for thirty days the mandate of the court its decision recently affirming Howard's conviction. The motion was opposed by the State Attorney, and the court, which was about to adjourn for three weeks, took a recess for ten minutes for the purpose of considering the metter. pose of considering the matter.

The appeal of Senator Joseph Ralph The appeal of Senator Joseph Ralph Burton of Kansas from the judgment of the Federal court at St. Louis convicting

him of accepting retainers in cases pend ing before the departments was to-day ordered advanced for argument on April 2. Its early hearing was urged by the Government because the State and people of Kansas were being deprived of full representation in the Senate, Mr. Burton having taken no part in its deliberations since his indictment two years ago.

The court also advanced for hearing on April 2 the case of Robert Sawyer and Arthur Adams two nears searen on the Its early hearing was urged by

Arthur Adams, two negro seamen on the schooner Berwin, who with another negro of the name of Scott killed the captain, mate, engineer and cook of the mate, engineer and cook of the vessel, all white men, off Hatteras last fall, and threw their bodies overboard. All three were sentenced to be hanged by the Federal court in North Carolina, and Sawyer and Adams brought appeal to the Supreme Court.

Washington, Jan. 29.—The Senate to-day confirmed the nom inations of Lloyd C. Griscom of Phil adelphia to be Ambassador to Brazil, Henry Clay Ide of Vermont to be Governor-General and James F. Smith of California to be Vice-Governor of the Philipping Islands. Philippine Islands.

SENATE ON CHINESE, BOYCOTT. Resolution for an Investigation Causes

Debate and Is Adopted. WASHINGTON, Jan. 29 .-- The Chinese boycott against American goods was the subject of debate in the Senate to-day. Senator Tillman of South Carolina started

the discussion by calling up his resolution authorizing an investigation by the Senate Committee on Immigration of the alleged boycott. Mr. Tillman spoke of the im-portance of the investigation to American trade. He said the South had a considerable trade with China.
Senator Dubois of Idaho said the alleged boycott was not the work of Chinese merchants or students, but was confined to

"In the student section of northern China, said Mr. Dubois, "there is no interest in Mr. Dubois explained that all the Chinese coolie labor in the United States had come from the Canton district. The Viceroy there resisted the effort of the Chinese Government to suppress the boycott and he was more amenable to the influences of the people of his province than he was to the authority of the Chinese Govern-ment. The Chinamen who had been turned back from this country, he said, were not merchants or students, but coolies who had been certified by American Consuls as merchants or students and who when they arrived here were identified as coolies and turned back, and the protest comes

he coolies of the Canton d

from the coolie classes altogether.

Mr. Dubois said there was a demand in certain Southern States for Chinese labor certain Southern States for Chinese labor to displace the negro labor there.

Mr. Clay (Dem., Ga.) resented this statement. "I have never heard such a thing mentioned in our State," said he.

Mr. Tillman said he didn't want any Chinese labor in the South. "We have troubles enough now."

troubles enough now."

Senator Newlands (Dem., Nev.), a member of the Taft party, indorsed what Mr. Dubois had said. "How long was your party there?" in-quired Mr. Tillman.

Newlands explained that in certain cities the party remained but one day, but were in Pekin four days. Mr. Tillman thought the party had about as good opportunity in that limited time to study conditions as Poultney Bigelow had to learn about the Panama Canal on

The resolution was passed. COTTON GINNERS SATISFIED.

Their Association's President Concludes That Census Reports Are All Right. Washington, Jan. 29.—The National Cotton Ginners' Association, through its president, J. A. Taylor, has amicably adjusted its differences with Mr. North, the Director of the Census. Mr. Taylor promised when he came here that he would start a sensation before he left Washington and that another cotton scandal might result. Now, after several conferences with Director North, Mr. Taylor has come to the conclution that the Census cotton reports are all

Mr. Taylor came to town to find out why the Census Bureau reports of cotton ginned did not accord with those which the Ginners' Association had been issuing. Mr. Taylor received a telegram from Texas to-day that cleared up the situation. He was informed that some of the ginners, notably in Texas, reported cotton ginned after Leavery. reported cotton ginned after January 15, which was the period intended to be covered by the bureau's statement and which was the period referred to in the association's

Some of the ginners, Mr. Taylor says, re-ported for the January 15 statement cotton that was ginned on January 20. Mr. Taylor is inclined to think that this circumstance will account for the fact that the bureau reported far more cotton ginned than did the association. Mr. Taylor was in con-ference with Director North to-day and he says they understand each other better now. He says there is one weak point in Director North's system in that it is easily leakable.

Senator Warren Denies That He Is to Marry Mrs. Nagle.

WASHINGTON, Jan. 29.—The attention of Senator Warren was called to-day to a published despatch stating that the Senator is about to marry Mrs. Mabel Nagle, divorced wife of George H. Nagle. Mr. Warren said that the statement was untrue in every particular and unkind as well